



General Assembly

January Session, 2013

Raised Bill No. 6653

LCO No. 4470



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION REGULATORY STREAMLINING TO
ASSIST MUNICIPALITIES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 7-246 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (b) Each municipal water pollution control authority designated in
5 accordance with this section may prepare and periodically update a
6 water pollution control plan for the municipality. Such plan shall
7 designate and delineate the boundary of: (1) Areas served by any
8 municipal sewerage system; (2) areas where municipal sewerage
9 facilities are planned and the schedule of design and construction
10 anticipated or proposed; (3) areas where sewers are to be avoided; (4)
11 areas served by any community sewerage system not owned by a
12 municipality; (5) areas to be served by any proposed community
13 sewerage system not owned by a municipality; and (6) areas to be
14 designated as decentralized wastewater management districts. Such

15 plan shall also describe the means by which municipal programs are
16 being carried out to avoid community pollution problems and describe
17 any programs wherein the local director of health manages subsurface
18 sewage disposal systems. Such plan shall be consistent with the
19 conservation and development policies of the state. The authority shall
20 [file] submit for review and written approval a copy of the plan and
21 any periodic updates of such plan with the Commissioner of Energy
22 and Environmental Protection and shall manage or ensure the effective
23 supervision, management, control, operation and maintenance of any
24 community sewerage system or decentralized wastewater
25 management district not owned by a municipality.

26 Sec. 2. Subsection (a) of section 22a-6g of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2013*):

29 (a) Any person who submits an application to the Commissioner of
30 Energy and Environmental Protection for any permit or other license
31 pursuant to section 22a-32, 22a-39, as amended by this act, 22a-174,
32 22a-208a, 22a-342, 22a-361, as amended by this act, 22a-368, 22a-403, as
33 amended by this act, or 22a-430, as amended by this act, subsection (b)
34 or (c) of section 22a-449, section 22a-454 or Section 401 of the federal
35 Water Pollution Control Act (33 USC 466 et seq.), except an application
36 for authorization under a general permit shall: (1) [Include with such
37 application a signed statement certifying that the applicant will
38 publish notice of such application on a form supplied by the
39 commissioner in accordance with this section; (2) publish] Publish
40 notice of such application in a newspaper of general circulation in the
41 affected area; [(3) send the commissioner a certified copy of such notice
42 as it appeared in the newspaper; and (4)] (2) notify the chief elected
43 official of the municipality in which the regulated activity is proposed;
44 and (3) include with such application a copy of such notice as it
45 appeared in the newspaper and a signed statement certifying that the
46 applicant notified the chief elected official of the municipality in which
47 such regulated activity is proposed. Such notices shall include: (A) The

48 name and mailing address of the applicant and the address of the
49 location at which the proposed activity will take place; (B) the
50 application number, if available; (C) the type of permit sought,
51 including a reference to the applicable statute or regulation; (D) a
52 description of the activity for which a permit is sought; (E) a
53 description of the location of the proposed activity and any natural
54 resources affected thereby; (F) the name, address and telephone
55 number of any agent of the applicant from whom interested persons
56 may obtain copies of the application; and (G) a statement that the
57 application is available for inspection at the office of the Department of
58 Energy and Environmental Protection. The commissioner shall not
59 process an application until the applicant has submitted to the
60 commissioner a copy of the notice and the signed statement required
61 by this section. The provisions of this section shall not apply to
62 discharges exempted from the notice requirement by the commissioner
63 pursuant to subsection (b) of section 22a-430, as amended by this act,
64 to hazardous waste transporter permits issued pursuant to section 22a-
65 454 or to special waste authorizations issued pursuant to section 22a-
66 209 and regulations adopted thereunder.

67 Sec. 3. Subsection (d) of section 22a-6h of the general statutes is
68 repealed and the following is substituted in lieu thereof (*Effective*
69 *October 1, 2013*):

70 (d) Not later than thirty days after the date on which the
71 commissioner publishes or causes to be published notice of the
72 commissioner's tentative determination regarding an application
73 under Section 401 of the federal Water Pollution Control Act, 33 USC
74 466, such applicant may submit a written request and any person may
75 submit a petition signed by twenty-five or more persons to the
76 commissioner to conduct a hearing on such application in accordance
77 with the provisions of chapter 54. The commissioner shall grant any
78 such request or petition provided such request or petition is submitted
79 in writing and filed in a timely manner. Any person that is aggrieved
80 by the commissioner's final decision on such application may appeal

81 such decision to the Superior Court, in accordance with section 4-183.

82 Sec. 4. Subsections (a) and (b) of section 22a-30 of the general
83 statutes are repealed and the following is substituted in lieu thereof
84 (*Effective October 1, 2013*):

85 (a) The commissioner or his authorized representative shall have the
86 right to enter upon any public or private property at reasonable times
87 to carry out the provisions of sections 22a-28 to 22a-35, inclusive. [The
88 commissioner may make an inventory of all tidal wetlands within the
89 state. The boundaries of such wetlands shall be shown on suitable
90 reproductions or aerial photographs to a scale of one inch equals two
91 hundred feet with such accuracy that they will represent a class D
92 survey. Such lines shall generally define the areas that are at or below
93 an elevation of one foot above local extreme high water. Such maps
94 shall be prepared to cover entire subdivisions of the state as
95 determined by the commissioner. Upon completion of the tidal
96 wetlands boundary maps for each subdivision, the commissioner shall
97 hold a public hearing. The commissioner shall give notice of such
98 hearing to each owner of record of all lands designated as such
99 wetland as shown on such maps by certified mail, return receipt
100 requested, not less than thirty days prior to the date set for such
101 hearing. The commissioner shall also cause notice of such hearing to be
102 published at least once not more than thirty days and not fewer than
103 ten days before the date set for such hearing in a newspaper or
104 newspapers having a general circulation in the town or towns where
105 such wetlands are located. After considering the testimony given at
106 such hearing and any other facts which may be deemed pertinent and
107 after considering the rights of affected property owners and the
108 purposes of sections 22a-28 to 22a-35, inclusive, the commissioner shall
109 establish by order the bounds of each of such wetlands. A copy of the
110 order, together with a copy of the map depicting such boundary lines,
111 shall be filed in the town clerk's office of all towns affected. The
112 commissioner shall give notice of such order to each owner of record
113 of all lands designated as such wetlands by mailing a copy of such

114 order to such owner by certified mail, return receipt requested. The
115 commissioner shall also cause a copy of such order to be published in a
116 newspaper or newspapers having a general circulation in the town or
117 towns where such wetlands are located. Any person aggrieved by such
118 order may appeal therefrom in accordance with the provisions of
119 section 4-183, except venue for such appeal shall be in the judicial
120 district of New Britain.]

121 (b) [The commissioner may periodically inspect the wetlands of the
122 state to determine the necessity for revision or correction of such tidal
123 wetlands boundary maps. If the commissioner finds that wetland areas
124 have been omitted from such maps or uplands have been included
125 within designated wetland boundaries or finds that the natural
126 processes of accretion, reliction, subsidence and erosion have rendered
127 such maps inaccurate he may revise such wetland boundary maps in
128 accordance with the provisions of subsection (a) of this section.
129 Notwithstanding the provisions of subsection (a) and this subsection,
130 any] Any regulated activities conducted upon any wetlands, whether
131 or not such wetlands have been mapped, shall be subject to the
132 provisions of sections 22a-32 to 22a-35, inclusive.

133 Sec. 5. Subsection (k) of section 22a-39 of the general statutes is
134 repealed and the following is substituted in lieu thereof (*Effective*
135 *October 1, 2013*):

136 (k) Conduct a public hearing no sooner than thirty days and not
137 later than sixty days following the receipt by said commissioner of any
138 inland wetlands application, provided whenever the commissioner
139 determines that the regulated activity for which a permit is sought is
140 not likely to have a significant impact on the wetland or watercourse,
141 he may waive the requirement for public hearing after (1) publishing
142 notice, in a newspaper having general circulation in each town
143 wherever the proposed work or any part thereof is located, of his
144 intent to waive said requirement, and (2) mailing or providing by
145 electronic means notice of such intent to the chief administrative

146 officer in the town or towns where the proposed work, or any part
147 thereof, is located, and the chairman of the conservation commission
148 and inland wetlands agency of each such town or towns, except that
149 the commissioner shall hold a hearing on such application upon
150 receipt, within thirty days after such notice has been published or
151 mailed, of a petition signed by at least twenty-five persons requesting
152 such a hearing. The commissioner shall [(1)] (A) publish notice of such
153 hearing at least once not more than thirty days and not fewer than ten
154 days before the date set for the hearing in a newspaper having a
155 general circulation in each town where the proposed work, or any part
156 thereof, is located, and [(2)] (B) mail or provide by electronic means
157 notice of such hearing to the chief administrative officer in the town or
158 towns where the proposed work, or any part thereof, is located, and
159 the chairman of the conservation commission and inland wetlands
160 agency of each such town or towns. All applications and maps and
161 documents relating thereto shall be open for public inspection at the
162 office of the commissioner. The commissioner shall state upon his
163 records his findings and reasons for the action taken;

164 Sec. 6. Subsection (d) of section 22a-45a of the general statutes is
165 repealed and the following is substituted in lieu thereof (*Effective*
166 *October 1, 2013*):

167 (d) Any general permit issued under this section [shall] may require
168 that any state agency, department or instrumentality other than a
169 regional or local board of education, intending to conduct an activity
170 covered by such general permit shall [, at least sixty days before
171 initiating such activity,] give written notice of such intention to the
172 inland wetlands agency, zoning commission, planning commission or
173 combined planning and zoning commission and conservation
174 commission of any municipality which will or may be affected by such
175 activity and to the department which shall make such notices available
176 to the public. The general permit shall specify the information which
177 must be contained in the notice. [An inland wetlands agency, planning
178 and zoning commission, conservation commission or any person may

179 submit written comments to the commissioner concerning such
180 activity not later than twenty-five days prior to the date that the
181 activity is proposed to begin.]

182 Sec. 7. Subsection (d) of section 22a-354m of the general statutes is
183 repealed and the following is substituted in lieu thereof (*Effective*
184 *October 1, 2013*):

185 (d) [On or before July 1, 1999, the] The Commissioner of Energy and
186 Environmental Protection, in consultation with the Commissioner of
187 Agriculture, the United States Soil Conservation Service, the
188 Cooperative Extension Service at The University of Connecticut and
189 the Council for Soil and Water Conservation, [shall] may publish
190 notice of intent to adopt regulations in accordance with chapter 54 for
191 farm resources management plans. Such regulations shall include, but
192 not be limited to, a priority system and procedures for determining if a
193 farm management plan is required and the priority that is assigned to
194 the preparation of such a plan, best management practices, restrictions
195 and prohibitions for manure management, storage and handling of
196 pesticides, reduced use of pesticides through pest management
197 practices, integrated pest management, fertilizer management and
198 underground and above-ground storage tanks and criteria and
199 procedures for submission and review of farm resources management
200 plans and amendments of such plans. In adopting such best
201 management practices, restrictions and prohibitions, the commissioner
202 shall consider existing state and federal guidelines or regulations
203 affecting aquifers and agricultural resources management.

204 Sec. 8. Subsection (b) of section 22a-361 of the general statutes is
205 repealed and the following is substituted in lieu thereof (*Effective*
206 *October 1, 2013*):

207 (b) The commissioner, at least thirty days before approving or
208 denying an application for a permit, shall provide or require the
209 applicant to provide notice by certified mail, return receipt requested,

210 or by electronic means to the applicant, to the Commissioner of
211 Transportation, the Attorney General and the Commissioner of
212 Agriculture and to the chief executive officer, the chairmen of the
213 planning, zoning, harbor management and shellfish commissions of
214 each town in which such structure, fill, obstruction, encroachment or
215 dredging is to be located or work to be performed, and to the owner of
216 each franchised oyster ground and the lessee of each leased oyster
217 ground within which such work is to be performed and shall publish
218 such notice once in a newspaper having a substantial circulation in the
219 area affected. Such notice shall contain (1) the name of the applicant;
220 (2) the location and nature of the proposed activities; (3) the tentative
221 decision regarding the application; and (4) any additional information
222 the commissioner deems necessary. There shall be a comment period
223 following the public notice during which interested persons may
224 submit written comments. The commissioner may hold a public
225 hearing prior to approving or denying an application if, in the
226 commissioner's discretion, the public interest will best be served by
227 holding such hearing. The commissioner shall hold a public hearing if
228 the commissioner receives: (A) A written request for such public
229 hearing from the applicant, or (B) a petition, signed by twenty-five or
230 more persons requesting such public hearing on an application. [that
231 will: (i) Significantly impact any shellfish area, as determined by the
232 director of the Bureau of Aquaculture at the Department of
233 Agriculture, (ii) have interstate ramifications, or (iii) involve any
234 project that requires a certificate issued pursuant to section 16-50k or
235 approval by the Federal Energy Regulatory Commission.] Following
236 such notice and comment period and public hearing, if applicable, the
237 commissioner may, in whole or in part, approve, modify and approve
238 or deny the application. The commissioner shall provide to the
239 applicant and the persons set forth above, by certified mail, return
240 receipt requested, or by electronic means, notice of the commissioner's
241 decision. If the commissioner requires the applicant to provide the
242 notice specified in this subsection, the applicant shall certify to the
243 commissioner, not later than twenty days after providing such notice,

244 that such notice has been provided in accordance with this subsection.
245 Any person who is aggrieved by the commissioner's final decision on
246 such application may appeal such decision to the Superior Court in
247 accordance with section 4-183.

248 Sec. 9. Subsections (c) and (d) of section 22a-371 of the general
249 statutes are repealed and the following is substituted in lieu thereof
250 (*Effective October 1, 2013*):

251 (c) If the commissioner finds that an application is complete, he shall
252 notify the applicant by electronic means or certified mail, return
253 receipt requested. The commissioner shall also notify the applicant of
254 the time, date and location of any public hearing to be held on the
255 application.

256 (d) Upon notifying the applicant in accordance with subsection (c)
257 of this section that the application is complete, the commissioner shall
258 immediately provide, by electronic means, notice of the application
259 and a concise description of the proposed diversion to the Governor,
260 the Attorney General, the speaker of the House of Representatives, the
261 president pro tempore of the Senate, the Secretary of the Office of
262 Policy and Management, the Commissioners of Public Health and
263 Economic and Community Development, the chairperson of the Public
264 Utilities Regulatory Authority, the chief executive officer and chairmen
265 of the conservation commission and wetlands agency of the
266 municipality or municipalities in which the proposed diversion will
267 take place or have effect, and any person who has requested notice of
268 such activities.

269 Sec. 10. Subsection (a) of section 22a-403 of the general statutes is
270 repealed and the following is substituted in lieu thereof (*Effective*
271 *October 1, 2013*):

272 (a) Before any person constructs, alters, rebuilds, substantially
273 repairs, adds to, replaces or removes any structure, such person
274 shall apply to the commissioner for a permit to undertake such work.

275 The application for such permit shall be in triplicate, the original of
276 which, with necessary drawings, plans, specifications and other data,
277 shall be submitted to the commissioner, in the form and to the extent
278 required by him. If the commissioner finds that an application is
279 complete, he shall (1) notify the applicant by electronic means or
280 certified mail, return receipt requested, of his intent to grant a permit
281 with or without terms and conditions or to deny a permit for such
282 work and (2) publish notice of such intention in a newspaper having a
283 general circulation in the area in which the proposed work will take
284 place or have effect. The commissioner shall mail or provide by
285 electronic means notice of such intent to the chief executive officer, the
286 inland wetland agency, and the planning, zoning and conservation
287 commissions of each town in which the work will take place or have
288 effect. The commissioner may hold a hearing prior to approving or
289 denying any application if, in his discretion, the public interest will be
290 best served thereby, and he shall hold a hearing if, within thirty days
291 after such notice has been published, he receives a petition requesting
292 such a hearing signed by at least twenty-five persons. Notice of such
293 hearing shall be published at least thirty days before the hearing in a
294 newspaper having a general circulation in the area in which the work
295 will take place or have effect.

296 Sec. 11. Subsection (j) of section 22a-430 of the general statutes is
297 repealed and the following is substituted in lieu thereof (*Effective*
298 *October 1, 2013*):

299 (j) (1) The commissioner may exempt persons who or municipalities
300 which apply for permits for the following discharges from the
301 requirement to submit plans and specifications under subsection (b) of
302 this section:

303 (A) A discharge from a new treatment or disposal system which
304 system is substantially the same as a system that the applicant is
305 operating in compliance with a permit for said system issued by the
306 commissioner;

307 (B) The discharge is described in a general permit issued by the
308 commissioner pursuant to section 22a-430b;

309 (C) The discharge is from a system, the purpose of which, as
310 determined by the commissioner, is not to treat any toxic or hazardous
311 substances; or

312 (D) The discharge is exempt from public notice under subsection (b)
313 of this section and regulations adopted thereunder.

314 (2) The commissioner [shall] may adopt regulations not later than
315 June 30, 2011, in accordance with the provisions of chapter 54, to
316 establish other categories of discharges which may be exempted from
317 the requirement to submit plans and specifications under subsection
318 (b) of this section. Such regulations may include, but not be limited to,
319 the following: (A) Minimum standards for the design and operation of
320 treatment systems for such discharges; and (B) requirements for
321 submission of information concerning such discharges.

322 Sec. 12. Subsections (e) and (f) of section 22a-461 of the general
323 statutes are repealed and the following is substituted in lieu thereof
324 (*Effective October 1, 2013*):

325 [(e) The commissioner shall adopt regulations, in accordance with
326 the provisions of chapter 54, to require the registration of sewage
327 system additives.]

328 [(f)] (e) Any person who violates any provision of this section may
329 be fined not less than one hundred dollars or more than three hundred
330 dollars for the first offense, and not less than three hundred dollars or
331 more than five hundred dollars for the second and each subsequent
332 offense. A separate and distinct offense shall be construed to be
333 committed each day on which such person shall continue or permit
334 any such violation.

335 Sec. 13. Sections 22a-31 and 22a-370 of the general statutes are

336 repealed. (Effective October 1, 2013)

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	7-246(b)
Sec. 2	October 1, 2013	22a-6g(a)
Sec. 3	October 1, 2013	22a-6h(d)
Sec. 4	October 1, 2013	22a-30(a) and (b)
Sec. 5	October 1, 2013	22a-39(k)
Sec. 6	October 1, 2013	22a-45a(d)
Sec. 7	October 1, 2013	22a-354m(d)
Sec. 8	October 1, 2013	22a-361(b)
Sec. 9	October 1, 2013	22a-371(c) and (d)
Sec. 10	October 1, 2013	22a-403(a)
Sec. 11	October 1, 2013	22a-430(j)
Sec. 12	October 1, 2013	22a-461(e) and (f)
Sec. 13	October 1, 2013	Repealer section

Statement of Purpose:

To streamline certain aspects of programs administered by the Department of Energy and Environmental Protection in order to assist municipalities.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]